

REMARKS/ARGUMENTS

The Office Action of July 5, 2006 has been carefully reviewed and these remarks are responsive thereto. Claims 1 and 19 have been amended and claims 22 and 26-35 have been cancelled without prejudice or disclaimer. Reconsideration and allowance of the instant application are respectfully requested. Claims 1-16 and 19-21 remain pending in this application.

Preliminarily, Applicants would like to thank the Examiner for the courtesies extended to their representative, Elizabeth Almeter, during the telephonic interview of September 11, 2006. The following remarks include Applicants' substance of interview pursuant to MPEP § 713.04.

Claims 1, 19-22, 26-30 and 32-35 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. patent no. 5,818,800 to Barker ("Barker"). Claims 2-16 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Barker in view of U.S. patent no. 5,969,708 to Walls ("Walls"). Applicants respectfully traverse these rejections.

Rejections Under 35 U.S.C. § 102

Amended independent claim 1 is directed to a method for use in a computing device having a microphone and a button and calls for, among other features,

activating said microphone, receiving a user input actuating said button, placing said device in an operating mode corresponding to a dictation mode when said user input actuating said button is of a first type; and modifying the operating mode to place said device in a command mode when said user input actuating said button is of a second type; wherein said device identifies spoken words as text in said dictation mode, and as commands in said command mode.

The Office Action asserts that Barker discloses all the elements of claim 1. Applicants respectfully disagree. Barker discloses a voice input peripheral having a local and portable operating mode. Col. 2, lines 32-39. In addition, the peripheral of Barker includes a microphone, a pointer device such as a trackball or joystick, a pair of buttons,

a loudspeaker and a bar graph display. Col. 2, lines 18-23. A local/portable switch is used to determine the mode in which the peripheral will operate. Col. 4, line 53. Further, once the local or portable mode has been selected, the user must assert an additional button to take dictation using the peripheral. Col. 2, lines 41-43. To modify the operating mode of Barker, not only must the local/portable switch be positioned in the local mode, additional buttons must be asserted, the pointing device must be aligned with text on a display unit and a spoken word must be identified and examined by the computer to determine that it is a command and should not be transcribed into text. Col. 3, line 66-Col. 4, line 10.

As discussed with the Examiner, Barker clearly fails to teach or suggest a method for use in a computing device in which the device is placed "in an operating mode corresponding to a dictation mode, when said user input actuating said button is of a first type and *modifying* the operating mode to place said device in a command mode when said user input actuating said button is of a second type, wherein said device identifies spoken words as text in said dictation mode, and as commands in said command mode." Barker fails to teach or suggest modifying the operating mode when the user input actuating the button is of a second type. Applicants assert that claim 1 is allowable over Barker.

In view of the foregoing, dependent claims 2-16 are allowable for at least the same reasons as their ultimate base claim and further in view of the novel features recited therein. Accordingly, Applicants respectfully request withdrawal of the present rejection.

Amended claim 19 recites a personal computing device including, among other features

a second program module, stored in said memory, for causing said processor to enter an operating mode corresponding to a command mode responsive to said button being pressed in a first manner and a third program module, stored in said memory, for causing said processor to modify the operating mode to correspond to a dictation mode responsive to said button being pressed in a second manner, wherein spoken words recognized in said dictation mode are handled by said processor as textual data, and spoken words recognized in said command mode

are handled by said processor as commands requiring execution of one or more additional functions.

Barker fails to teach or suggest all the elements of claim 19. For example, as discussed with the Examiner, Barker fails to teach or suggest a personal computing device having “a second program module...for causing said processor to enter an operating mode corresponding to a command mode responsive said button being pressed in a first manner and a third program module...for causing said processor to *modify* the operating mode to correspond to a dictation mode responsive to said button being pressed in a second manner.” Accordingly, Applicants respectfully assert that claim 19 is allowable over Barker.

In view of the foregoing, dependent claims 20 and 21 that depend from claim 19, are allowable for at least the reasons cited above with respect to claim 19 and further in view of the novel features recited therein.

Rejections Under 35 U.S.C. § 103

Claims 2-16 and 31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Barker in view of Walls. Claims 2-16 depend from independent claim 1 and claim 31 has been cancelled. As discussed above, Barker fails to teach or suggest all the features of claim 1. The addition of Walls fails to cure this deficiency. As such, Applicants respectfully assert that claims 2-16 are allowable.

CONCLUSION

It is believed that no fee is required for this submission. If any fees are required, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All objections and rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,
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